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FACSIMILE TRANSMISSION

DATE: April 29, 2005

TO: EXAMINER (JACKIE) TAN-UYEN T. HO

FACSIMILE NO.: 703-872-9306

FROM: John G. Posa

PAGES TRANSMITTED (INCLUDING COVER SHEET): 6

ORIGINAL DOCUMENTS WILL \_\_\_\_ / WILL NOT X FOLLOW BY MAIL

RE: Serial No. 09/638,241

MESSAGE:

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE APR 29 2005**

In re application of: Ferree

Serial No.: 09/638,241

Group No.: 3731

Filed: August 14, 2000

Examiner: (Jackie) Tan-Uyen T. Ho

For: METHODS AND APPARATUS FOR TREATING DISC HERNIATION AND  
PREVENTING THE EXTRUSION OF INTERBODY BONE GRAFT

**FACSIMILE TRANSMITTAL OF PREVIOUSLY  
SUBMITTED RESPONSE TO OFFICE ACTION**

Mail Stop Fee AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to a telephonic request by Examiner (Jackie) Tan-Uyen T. Ho on April 29, 2005, Applicant hereby submits via facsimile a true copy of its response to the final Office Action for the subject application. This response was mailed on March 23, 2005 (received March 28, 2005, see return postcard) and included a payment of one-month (small entity) extension fee of \$60. A copy of the check is attached.

Applicant respectfully requests consideration of its March 23, 2005 response prior to the maximum extension deadline of May 23, 2005.

Respectfully submitted,

By: 

John G. Posa, Reg. No. 37,424  
Gifford, Krass, Groh, Sprinkle,  
Anderson & Citkowski, PC  
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Troy, MI 48009  
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Date: April 29, 2005

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ANDERSON & CITKOWSKI, P.C.  
161 N. MAIN, STE. 800 734-918-8200  
ANN ARBOR, MI 48104

PAY TO THE ORDER OF: Commissioner for Patents

DATE: March 23, 2005

\$ 60.00

Sixty and 00/100

DOLLARS @

FOR: BAF-11802/29 EXT

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PATENT & TRADEMARK OFFICE 111

## PATENT

The received stamp of the U.S. Patent and Trademark Office  
imprinted hereon acknowledges the filing of:

- ☒ Transmittal Letter
- ☐ New Patent Application
- ☐ IDS, PTO 1448 & Patents
- ☒ Amendment/Response *Response*
- ☐ Declaration & Power of Attorney
- ☐ Pages(s) Specification
- ☐ Page(s) Abstract
- ☒ Assignment & Recordation Cover Sheet
- ☐ Check \$ 60
- ☐ Pages(s) Claims
- ☐ Sheets of Drawings
- ☐ Application Data Sheet
- ☐ Other:

Inventor: *Feyrce*

Serial/Pat. No.: *09/1638241* Docket No.: *BAF-11802/29*

Date: *3/23/05* Due Date: *3/23/05*

☒ Cert. of Mailing ☐ Express Mail

APR 29 2005

**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.  
BAF-11802/29

In Re Application Of: Ferree

| Application No. | Filing Date | Examiner       | Customer No. | Group Art Unit | Confirmation No. |
|-----------------|-------------|----------------|--------------|----------------|------------------|
| 20/638,241      | 08/14/2000  | Tan-Uyen T. Ho | 25006        | 3731           | 9686             |

Invention: **METHODS AND APPARATUS FOR TREATING DISC HERNIATION AND PREVENTING  
THE EXTRUSION OF INTERBODY****COMMISSIONER FOR PATENTS:**

This is a combined amendment and petition under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of November 23, 2004 in the above-identified application.  
Date

The requested extension is as follows (check time period desired):

☒ One month    ☐ Two months    ☐ Three months    ☐ Four months    ☐ Five months

from: February 23, 2005 until: March 23, 2005  
Date Date

Applicant claims small entity status. See 37 CFR 1.27.

The fee for the amendment and extension of time has been calculated as shown below:

**CLAIMS AS AMENDED**

|   | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR | NUMBER EXTRA<br>CLAIMS PRESENT | RATE       | ADDITIONAL<br>FEE |
|---|-------------------------------------|-----------------------------|--------------------------------|------------|-------------------|
| TOTAL CLAIMS                                  | 22 -                                | 22 -                        | 0                              | x \$25.00  | \$0.00            |
| INDEP CLAIMS                                  | 2 -                                 | 3 -                         | 0                              | x \$100.00 | \$0.00            |
| FEE FOR AMENDMENT                             |                                     |                             |                                |            | \$0.00            |
| FEE FOR EXTENSION OF TIME                     |                                     |                             |                                |            | \$60.00           |
| TOTAL FEE FOR AMENDMENT AND EXTENSION OF TIME |                                     |                             |                                |            | \$60.00           |

05/03/2005 EFLORES 00000029 071180 09638241

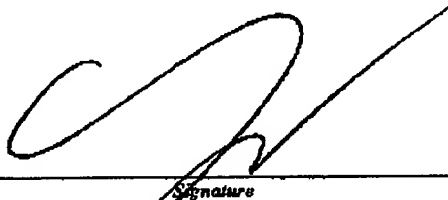
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**COMBINED AMENDMENT & PETITION FOR EXTENSION OF  
TIME UNDER 37 CFR 1.136(a) (Small Entity)**Docket No.  
**BAF-11802/29**

The fee for the amendment and extension of time is to be paid as follows:

- ☒ A check in the amount of **\$60.00** for the amendment and extension of time is enclosed.
- ☐ Please charge Deposit Account No. **07-1180** in the amount of
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **07-1180**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. **07-1180**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**



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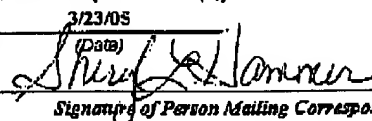
Dated: March 23, 2005

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

3/23/05

(Date)



Signature of Person Mailing Correspondence

Sheryl L. Hammer

Typed or Printed Name of Person Mailing Correspondence

FORM 11 REV 05